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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,001

09/26/2005

Medasani Munisekhar

VISH0101PUSA

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22045

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08/17/2009

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EXAMINER

CHEN, CATHERYNE

ART UNIT

PAPER NUMBER

1655

MAIL DATE

DELIVERY MODE

08/17/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/551,001	<b>Applicant(s)</b> MUNISEKHAR, MEDASANI	
	<b>Examiner</b> CATHERYNE CHEN	<b>Art Unit</b> 1655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-26 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-26, 28-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Currently, Claims 16-26, 28-30 are pending. Claims 16-26, 28-30 are examined on the merits. Claims 1-15, 27 are canceled.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on June 3, 2009 has been entered.

### ***Election/Restrictions***

Applicant's election without traverse of the species ammonium chloride, keratolytic composition, psoriasis, benzalkonium chloride in the reply filed on Oct. 23, 2008 is acknowledged.

### ***Response to Arguments***

Applicant's arguments with respect to claims 16-26, 28-29 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 16, 18-26, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McEleney et al. (US 5680962) in view of Durr et al. (US 5997889), McAtee et al. (US 5607980).

McEleney et al. teaches a lotion with pH 6.5 or less (column 3, lines 11-13) for topical use (column 3, line 37), with cationic chloride (column 6, line 41), quaternaries such as alkylbenzyltrimethylammonium salts, heterocyclic ammonium salts (column 7, lines 11-12), and perfumes to impart desired fragrance such as vanilla (column 8, lines 64), for formulation into creams, lotions, sticks, gels, oils, and mousses (column 10, lines 1-2). Benzalkonium chloride is also known as alkyltrimethylbenzylammonium chloride. Vanilla is the whole plant.

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However, it does not teach the amounts of vanilla, amounts of quaternary ammonium, amounts of cation chloride, psoriasis.

As for concentration of vanilla, Durr et al. teaches composition to treat psoriasis (column 1, lines 33-35) with vanilla oil up to a total of 2% by volume (column 4, lines 45-47, 55) as a cream (Abstract).

As for concentrations of quaternary ammonium and cation chloride salt, McAtee et al. teaches a topical composition comprising from about 0.1-15% by weight of a cationic surfactant (Claim 1). Cationic surfactant can be stearamidopropyl dimethyl ammonium chloride (column 8, lines 33, 43-44) and quaternary ammonium salt cetyl ammonium chloride (column 8, lines 46, 48). The composition can be formulated into creams, lotions, mousses, sprays, cleansers, bars, gels, and the like (column 4, lines 4-7). Psoriasis is a skin problem with disorders of keratinization; therefore, there is need for topical skin care composition which give skin smooth and elegant feel (column 1, lines 38-40, 53-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the solutions to treat psoriasis because Durr et al. teaches lotions with vanilla extract can be used to treat psoriasis. One would have been motivated to make use lotions with vanilla extract for the expected benefit of treating psoriasis. Absent evidence to the contrary, there would have been a reasonable expectation of success in making the claimed invention from the combined teachings of the cited references.

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Claims 16-26, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McEleney et al. (US 5680962), Durr et al. (US 5997889), McAtee et al. (US 5607980) as applied to claims 16, 18-26, 28-30 above, and further in view of Knoll et al. (US 4822604).

The teachings of McEleney et al., Durr et al., McAtee et al. are set forth above and applied as before.

The combination of McEleney et al., Durr et al., McAtee et al. do not specifically teach the ammonium chloride.

Knoll et al. teaches a clear therapeutic care composition having a low pH and useful in the local treatment of psoriasis of the scalp (Abstract) with 1.00%, 1.50%, 0.75% ammonium chloride (column 4, line 43) and keratolytic stabilizing agent (column 5, line 8), pH range of about 3.0-6.5 (Claim 3). A method of treating psoriasis of the scalp (Claim 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use ammonium chloride because Knoll et al. teaches lotions with ammonium chloride can be used to treat psoriasis. One would have been motivated to make use lotions with ammonium chloride for the expected benefit of treating psoriasis. Absent evidence to the contrary, there would have been a reasonable expectation of success in making the claimed invention from the combined teachings of the cited references.

***Conclusion***

No claim is allowed.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catheryne Chen whose telephone number is 571-272-9947. The examiner can normally be reached on Monday to Friday, 9-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on 571-272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Catheryne Chen  
Examiner Art Unit 1655

/Michael V. Meller/

Primary Examiner, Art Unit 1655